

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the matter of:

JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Debtor(s)

Bankruptcy Petition No. 19-54531-lsg
Hon. Lisa S. Gretchko
Chapter 7

TEODOR GELOV,
Plaintiff,

Adv. Pro. No. 20-04172-lsg
Hon. Lisa S. Gretchko

v.
~~JOSEPH G. DUMOUCHELLE, and~~
MELINDA J. ADDUCCI,
Defendant(s)

**DEFENDANT'S OBJECTION TO DEPOSITION NOTICE AND
MOTION FOR PROTECTIVE ORDER**

NOW COMES the Defendant, MELINDA J. ADDUCCI, ("Lindy"), by and through her counsel, JOHN R. FOLEY, P.C., who hereby moves this Court for entry of a *Protective Order*, in substantially the form attached hereto as **Exhibit 1**.

Lindy, through her counsel, for her motion, states as follows:

1. Lindy brings this motion pursuant to Fed.R.Civ.P. 26(c) made applicable to this proceeding by Fed.R.Bankr.P. 7026, for a protective order limiting the scope of Plaintiff's discovery.

2. Fed.R.Civ.Pro. 26(c)(1) stated, in pertinent part:

The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment,

oppression, or undue burden or expense, including one or more of the following:

- (A) forbidding the disclosure or discovery;
- (B) specifying terms, including time and place or the allocation of expenses, for the disclosure or discovery;
- (C) prescribing a discovery method other than the one selected by the party seeking discovery;
- (D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters;
- (E) designating the persons who may be present while the discovery is conducted;
- (F) requiring that a deposition be sealed and opened only on court order;
- (G) requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way; and
- (H) requiring that the parties simultaneously file specified documents or information in sealed envelopes, to be opened as the court directs.

3. Specifically, Lindy seeks an Order limiting discovery such that:
 - a. Plaintiff may not take the deposition of Lindy, or
 - b. That both Plaintiff Gelov in this case, and Plaintiff Ritter in the AP case of Ritter vs. DuMouchelle & Adducci (AP#: 20-04381-lsg) (“Ritter”), take one (1) deposition of Lindy, on one (1) day, for no more than 4 hours,
 - c. That the deposition be taken via Zoom (or other remote video means),
 - d. And finally, that said deposition be adjourned until after the undersigned counsel has been allowed to withdraw from this case.

Facts

4. This is one of two remaining AP cases against Lindy. Of the eight (8) AP cases that had been filed, only these two (2) remain: Plaintiff Gelov in this case, and Plaintiff Ritter in the AP case of Ritter vs. DuMouchelle & Adducci (AP#: 20-04381-lsg) (“Ritter”).

5. Gelov and Ritter are represented by the same counsel, and, on information and belief, strategize their litigation together.

6. Co-debtor, and former co-defendant, Joeseeph DuMouchelle, has waived his discharge, and, by virtue of that fact, Ritter and Gelov both already possess judgments against Joeseeph DuMouchelle, the person who was/is clearly the ‘main actor’ in the allegation underlying both complaints.

7. At this point, Ritter and Gelov are seeking gratuitous judgments against Lindy only, a woman who is nearly of retirement age, and will not, in her lifetime, ever be able to pay even a minute scintilla of the total judgment amounts they seek. Based on this, it appears that Ritter and Gelov are not proceeding out of any sense of “justice”, nor even of economic logic, but on a vendetta against Lindy personally. And sadly, it appears now that Ritter and Gelov have turned that animosity against the undersigned counsel as well.

Relevant Procedural History

8. On 07/24/2023, ECF No. 119, counsel for the Defendants filed a

Motion to Withdraw as Attorney.

9. On 08/03/2023, ECF No. 125, Plaintiff filed an Objection to that Motion to Withdraw as Attorney

10. On 08/22/2023, ECF No. 129, Plaintiff then issued a Second Set of Interrogatories and Requests for Production of Documents

11. On 08/22/2023, ECF No. 130, Plaintiff then issued a Notice to Take Deposition Melinda Adducci, setting the deposition for mid-October.

12. On 08/22/2023, ECF No. 131, Plaintiff then issued a Corrected Notice to Take Deposition Melinda Adducci. ("Deposition Notice")

Arguments

13. Plaintiff is fully aware that Defendants' counsel (now counsel for Lindy only) has filed a motion to withdraw from this case, as Plaintiff has filed an objection (with foundation in neither law nor court rule), to Defendant's counsel's motion to withdraw.

14. Then, during the pendency of that motion to withdraw, Plaintiff has littered the docket with further discovery requests, and now with deposition notices, as shown above.

15. Between Plaintiff Ritter and Plaintiff Gelov, Defendant Lindy has already been deposed *at least two (2) times* with respect to the situation at hand. Ritter and Gelov have the transcripts. Ritter and Gelov already filed state-court level

lawsuits and took judgments. There is literally nothing else left to ‘discover’ in this case.

16. Further, the deposition notices issued by Ritter and Gelov needlessly schedule Lindy’s deposition on 2 days¹, in person, here in Michigan, despite the fact that Lindy is working a day job to survive, with her husband in prison for the next 10 years, while she attempts to defend herself in these cases.

17. The Deposition Notice was issued for the purposes of, and is causing and will cause: annoyance, embarrassment, oppression, and undue burden or expense.

18. Pursuant to the requirements of FRCP 26(c)(1), Movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action.

19. For all of the foregoing reasons, Specifically, Lindy seeks an Order limiting discovery such that:

- a. Plaintiff may not take the deposition of Lindy, or
- b. That both Plaintiff Gelov in this case, and Plaintiff Ritter in the AP case of Ritter vs. DuMouchelle & Adducci (AP#: 20-04381-lsg) (“Ritter”),

¹ Defendant’s counsel notes unequivocally: The allegations against Gelov and Ritter are not against their attorneys, who did work with Defendant’s counsel to choose the dates in question. However, during that process, Defendant’s counsel made clear that while he would agree to the dates (so that, in the worst case, if this Court does not enter the order requested herein, the dates would work), that he did not consent to, and would object to, a deposition notice issued for in-person, or for more than 1 day of deposition total.

take one (1) deposition of Lindy, on one (1) day, for no more than 4 hours,

- c. That the deposition be taken via Zoom (or other remote video means),
- d. And finally, that said deposition be adjourned until after the undersigned counsel has been allowed to withdraw from this case.

WHEREFORE, Defendants request that this Court enter a Protective Order, in substantially the form attached hereto as **Exhibit 1**.

Respectfully submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendants

Date: September 15, 2023

By: /s/ Patrick A. Foley
Patrick A. Foley, Esq. (P74323)
18572 W. Outer Drive
Dearborn, MI 48128
Phone: (313) 274-7377
Fax: (313) 274-5946
Email: pafoley@jrfpc.net

Exhibit 1

Proposed Order

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the matter of:

JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Debtor(s)

Bankruptcy Petition No. 19-54531-lsg
Hon. Lisa S. Gretchko
Chapter 7

TEODOR GELOV,
Plaintiff,

Adv. Pro. No. 20-04172-lsg
Hon. Lisa S. Gretchko

v.
~~JOSEPH G. DUMOUCHELLE, and~~
MELINDA J. ADDUCCI,
Defendant(s)

PROTECTIVE ORDER

THIS MATTER having come before this Court upon the motion of Defendant Melinda Adduci (“Lindy”), seeking entry of this order; notice of the Motion having been provided to all parties in interest; no objections having been timely filed and served, or any such timely filed and served objections having been overruled; and the Court being otherwise duly advised in the premises;

NOW THEREFORE;

IT IS HEREBY ORDERED as follows:

1. The Plaintiff in this case, and Plaintiff in the Ritter case (AP#: 20-04381-lsg) (“Ritter”), shall take the deposition of Lindy at the same time.
2. The deposition shall occur on one (1) day.

3. The deposition shall be conducted by Zoom or other remote video system, allowing Lindy to remain in Florida without traveling.
4. The deposition shall not last longer than four (4) hours.
5. The deposition shall be rescheduled to a date and time after counsel for Lindy has withdrawn from this case.

Exhibit 2

Notice & Opportunity to Respond

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the matter of:

JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Debtor(s)

Bankruptcy Petition No. 19-54531-lsg
Hon. Lisa S. Gretchko
Chapter 7

TEODOR GELOV,
Plaintiff,

Adv. Pro. No. 20-04172-lsg
Hon. Lisa S. Gretchko

v.
~~JOSEPH G. DUMOUCHELLE, and~~
MELINDA J. ADDUCCI,
Defendant(s)

NOTICE OF MOTION AND OPPORTUNITY TO OBJECT/RESPOND

PLEASE TAKE NOTICE that Defendant, Melinda Adducci has filed an objection to the deposition notice issued to her by the Plaintiff, and a motion for a protective order regarding the same.

Your rights may be affected. You may wish to review the Motion and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you wish to object to the Court granting the relief sought in the Motion, or if you want the Court to otherwise consider your views on the Motion, within fourteen (14) days of service of the Motion, or such shorter time as the Court may hereafter order, you or your attorney must:

1. File with the Court a written response or an answer², explaining your position at:
 - United States Bankruptcy Court, 211 West Fort Street, Detroit, Michigan 48226

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

² Response or answer must comply with FED.R.CIV.P. 8(b), (c), and (e).

2. You must also mail a copy to both:

- John R. Foley, P.C., 18572 W. Outer Dr., Dearborn, MI 48128
- Office of the United States Trustee, 211 West Fort Street, Suite 700, Detroit, Michigan 48226

If a response or answer is timely filed and served, the clerk may schedule a hearing on the Motion and you will be served with a notice of the date, time, and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting the relief sought therein.

Respectfully Submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendant

Date: September 15, 2023

By: /s/ Patrick A. Foley
Patrick A. Foley (P74323)
18572 W. Outer Drive
Dearborn, MI 48128
Phone: (313) 274-7377
Fax: (313) 274-5946
Email: pafoley@jrfpc.net

Exhibit 3

Brief in Support

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the matter of:

JOSEPH DUMOUCHELLE FINE &
ESTATE JEWELLERS, L.L.C.,
Debtor.

Bankruptcy Petition No. 19-56239-lsg
Hon. Lisa S. Gretchko

TEODOR GELOV,
Plaintiff,

v.
JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Defendant(s)

Adv. Pro. No. 20-04172-lsg
Hon. Lisa S. Gretchko

**BRIEF IN SUPPORT OF OBJECTION TO DEPOSITION NOTICE AND
MOTION FOR PROTECTIVE ORDER**

NOW COMES the Defendant, Melinda Adducci, who, in support of her Objection to Deposition Notice, and Motion for Protective Order, hereby states as follows:

1. Petitioner relies on the law, rules, and arguments set forth in the Motion to Withdraw, and incorporates the same, as though fully set forth herein.

WHEREFORE, Defendants request that this Court enter a Protective Order, in substantially the form attached hereto as **Exhibit 1**.

(Signature on following page.)

Respectfully Submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendant

Date: September 15, 2023

By: /s/ Patrick A. Foley
Patrick A. Foley (P74323)
18572 W. Outer Drive
Dearborn, MI 48128
Phone: (313) 274-7377
Fax: (313) 274-5946
Email: pafoley@jrfpc.net

Exhibit 4

Proof of Service

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the matter of:

JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
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Bankruptcy Petition No. 19-54531-lsg
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TEODOR GELOV,
Plaintiff,

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MELINDA J. ADDUCCI,
Defendant(s)

CERTIFICATE OF SERVICE

Patrick A. Foley hereby certifies that on September 15, 2023 copies of the foregoing *Objection to Deposition Notice and Motion for Protective Order*, the *Proposed Order, Notice*, and this *Certificate of Service* were served upon the following parties via the Court's CM/ECF (PACER) system, and/or by United States Postal Service First Class Mail:

- Office of the United States Trustee
- All parties receiving notice via the Court's CM/ECF (PACER) filing system

Respectfully Submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendant

Date: September 15, 2023

By: /s/ Patrick A. Foley
Patrick A. Foley (P74323)
18572 W. Outer Drive
Dearborn, MI 48128
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